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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 THE ESTATE OF ANGEL) CASE NO. 13-CV-2240-GPC-MDD
13 LOPEZ, by its successor in interest)
14 Lydia Lopez; LYDIA LOPEZ, in) **PLAINTIFFS' PROPOSED JURY**
15 her own right; and ANGEL LOPEZ) **INSTRUCTIONS RE: DAMAGES**
16 JR. AND HECTOR LOPEZ, by)
17 and through their guardian *ad litem*,)
18 LYDIA LOPEZ,)
19 Plaintiffs,)
20 v.)
21 CITY OF SAN DIEGO, and)
22 KRISTOPHER WALB,)
23 Defendants.)
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1 Plaintiffs Estate of Angel Lopez et al., by and through their counsel of
2 record, Iredale and Yoo, hereby respectfully submit the following proposed jury
3 instructions regarding damages.

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5 Dated: September 1, 2017

Respectfully submitted,

6 IREDALE AND YOO, APC

7 s/ Eugene Iredale

8 EUGENE IREDALE

9 JULIA YOO

10 GRACE JUN

Attorneys for Plaintiffs

1 **INTRODUCTORY INSTRUCTION ON PLAINTIFFS' CLAIMS**
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3 It is now your tasks as jurors to address each Plaintiff's claim separately to
4 determine the amount of money damages, if any, to compensate each Plaintiff for
5 any such injury, damage, loss, or harm that he/she may have suffered.

6 The amount of damages must include an award for each item of harm that
7 was caused by Kristopher Walb's wrongful conduct, even if the particular harm
8 could not have been anticipated.

9 Plaintiffs do not have to prove the exact amount of damages that will
10 provide reasonable compensation for the harm, injury, damage, or loss. However,
11 you must not speculate or guess in awarding damages.

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13 **Authority:**
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15 CACI No. 3901, 2016 ed.
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ECONOMIC AND NONECONOMIC DAMAGES

The damages claimed by Plaintiffs for the harm caused by Kristopher Walb fall into two categories called economic damages and noneconomic damages. You will be asked on the verdict form to state the two categories of damages separately.

Authority:
CACI 3902, 2016 ed.

TYPES OF ECONOMIC DAMAGES

In determining the measure of economic damages, you should consider:

- (1) The reasonable value of necessary household help, services other than medical, and expenses required up to the present time; and
- (2) The reasonable value of necessary household help, services other than medical, and expenses that with reasonable probability will be required in the future

To recover damages for the loss of the ability to provide household services, Plaintiffs must prove the reasonable value of the services Angel Lopez would have been reasonably certain to provide to his household if he had not been killed.

Authority:

CACI 3903E (Loss of Ability to Provide Household Services)

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TYPES OF NONECONOMIC DAMAGES

In determining the measure of noneconomic damages for Plaintiff Estate of Angel Lopez, you should consider:

- (1) The violation of Angel Lopez's right to be free from excessive force;
- (2) The loss of Angel Lopez's life;
- (3) The mental, physical, emotional pain and suffering experienced by Angel Lopez before his death.

No fixed standard exists for deciding the amount of these noneconomic damages. You must use your judgment to decide a reasonable amount based on the evidence and your common sense.

Authority:

Manual of Model Civil Jury Instructions, Ninth Circuit Instruction No. 5.2, 2007 Edition, Updated 6/2017
CACI 3905A, 2016 Ed.
Chaudhry v. City of L.A., 751 F.3d 1096, 1105 (9th Cir. 2014)

JURY INSTRUCTION NO. 3921
WRONGFUL DEATH (DEATH OF AN ADULT)

If you decide that Plaintiffs have proved their claims against Defendant Officer Kristopher Walb for the death of Angel Lopez, you also must decide how much money will reasonably compensate Plaintiffs for the death of Angel Lopez. This compensation is called “damages.”

Plaintiffs do not have to prove the exact amount of these damages. However, you must not speculate or guess in awarding damages.

The damages claimed by Plaintiffs fall into two categories called economic damages and noneconomic damages. You will be asked to state the two categories of damages separately on the verdict form.

Plaintiffs claim the following economic damages:

1. The loss of gifts or benefit that Plaintiffs would have expected to receive from Angel Lopez;
2. Funeral and burial expenses; and
3. The reasonable value of household services that Angel Lopez would have provided.

Your award of any future economic damages must be reduced to present cash value.

Plaintiffs also claim the following noneconomic damages:

1. The loss of Angel Lopez’s love, companionship, comfort, care, assistance, protection, affection, society, moral support; and

1 2. The loss of the enjoyment of sexual relations (for Lydia Lopez).

2 No fixed standard exists for deciding the amount of noneconomic damages.
3 You must use your judgment to decide a reasonable amount based on the evidence
4 and your common sense.

5 For these noneconomic damages, determine the amount in current dollars paid at
6 the time of judgment that will compensate Plaintiffs for those damages. This
7 amount of noneconomic damages should not be further reduced to present cash
8 value because that reduction should only be performed with respect to future
9 economic damages.

10 In determining Plaintiffs' loss, do not consider:

- 11 1. Plaintiffs' grief, sorrow, or mental anguish;
12 2. Angel Lopez's pain and suffering; or
13 3. The poverty or wealth of Plaintiffs.

14 In deciding a person's life expectancy, you may consider, among other
15 factors, the average life expectancy of a person of that age, as well as that person's
16 health, habits, activities, lifestyle, and occupation. According to the National Vital
17 Statistics Report, the average life expectancy of a 27-year-old male is 50 years, and
18 the average life expectancy of a 28-year-old female is 53.9 years. This published
19 information is evidence of how long a person is likely to live but is not conclusive.
20 Some people live longer and others die sooner.

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23 **Authority:**

24 Judicial Council of California Civil Jury Instructions,
25 CACI 3921, 2017 Edition
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